

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re:

Gates Community Chapel of Rochester, Inc.  
d/b/a Freedom Village USA  
d/b/a Operation Mercy

CHAPTER 11

Debtor.

BK No.: 18-20169

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**APPLICATION FOR AN ORDER AUTHORIZING THE EMPLOYMENT  
OF MOSSIEN ASSOCIATES ARCHITECTS, P.C. AS ARCHITECT**

The Debtor-in-Possession, Gates Community Chapel of Rochester, Inc. (the "Debtor") by and through its counsel, Dibble & Miller, P.C., and in support of its Application for an Order authorizing the employment of Mossien Associates Architects, P.C. (the "Architect"), in accordance with 11 U.S.C. §§ 327 and 328, and Fed. R. Bankr. P. 2014, as the Debtor's real estate architect for the sale of some real property located in and around Yates County, State of New York, states as follows:

1. The Debtor filed a Voluntary Petition for Relief under Chapter 11 of the United States Bankruptcy Code on February 23, 2018. The Debtor continues to conduct its business and affairs as a debtor-in-possession. No official committee has been appointed by the Office of the United States Trustee.
2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
4. This Motion is a "core" proceeding as the term is defined under 28 U.S.C. § 157(b)(2).
5. The Debtor is a not-for-profit corporation formed under Article 8 of the New

York Religious Corporation Law, with a principal place of business located at 5275 State Rt. 14, Town of Lakemont, County of Yates, State of New York, 14857. The Debtor is a Christian religious organization.

6. By this Application, the Debtor seeks authorization to employ the Architect to provide architectural services with respect to a portion of 5275 NY Route 14, Lakemont, NY 14857 that Debtor intends to sell; specifically approximately 1,167 feet of Seneca Lake frontage including approximately 42 acres (not including main campus and buildings). Property Tax ID: 121.02-1-58 (Yates County) (the "Lakefront"). The Architect may also provide services with respect to other parcels being listed for sale pursuant to the Order authorizing employment of the Realtor, although it is not clear at this time what other parcels, if any, will require architectural services.

7. As reflected in the schedules, the Debtor owns over 1,100' of undeveloped lakefront along Seneca Lake, in addition to significant acreage that could be sold as tillable farmland, available for vineyards, residential developments and/or commercial enterprises such as wineries or other similar uses to take advantage of the prime location in the heart of the Finger Lakes region, some of which is along the Seneca Lake Wine Trail.

8. The Debtor believes that the employment of the Architect is in its best interests. The Architect has stated its desire and willingness to act in this case and render the necessary professional architectural services with respect to the real property to be marketed, specifically the Lakefront, but may also be needed for other parcels. The Architect has the requisite experience and skill to provide architectural services in order to market the real property. Due to the undeveloped nature and features of the Lakefront, architectural services are necessary to establish valuations for different possible uses of the Lakefront in order to maximize the sale

price for the Estate. The professional experience and qualification of the Architect is attached hereto as Exhibit "A".

9. Filed with this Application is the Affidavit of Daniel E. Mossien. The Debtor believes that the employment of Architect pursuant to 11 U.S.C. § 327(a) and Fed. R. Bankr. P. 2014 is proper, appropriate, and in the best interests of the estate.

10. The Debtor has agreed to compensate Architect for its services on an hourly basis in accordance with Architect's ordinary and customary rates for services of this type; \$280 per hour plus disbursements. Architect has not received any retainer in this matter and will be paid from the proceeds of the sale of the Lakefront, and any other parcel in which architectural services were performed, after the sale(s) is approved by the Court. All fees of Architect in this case will be subject to allowance by the Court and will be paid only after approval by the Court.


11. To the best of the Debtor's knowledge, Architect does not represent nor have connections with any parties in this case, and does not hold or represent an interest adverse to the estate in connection with the employment proposed by this Application, as set forth in the Affidavit of Daniel E. Mossien.

WHEREFORE, the Debtor respectfully requests that this Court grant the relief requested herein, and for such other and further relief as is just and proper.

Dated: May 17, 2018

Dibble & Miller, P.C.

BY: /s/ Mike Krueger, Esq.  
Mike Krueger, Esq.  
55 Canterbury Rd.  
Rochester, New York 14607  
(585) 271-1500



**Exhibit A**

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**DOCUMENT SEPARATOR PAGE**

**Exhibit A**

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CV for Daniel E. Mossien, RA,

NCARB

*President and CEO*

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Mr. Mossien established Mossien Associates in May of 1994, after having been an Owner of a 100-person full-service design firm. He is well versed in the general practice of architecture and has been a firm principal since 1979.

Daniel's firm has worked throughout the country and Mexico for mainly private high end clients. As one of his specialties, he consults to the legal community, for equally plaintiffs and defendants, regarding construction, real estate estimates, hazardous materials, slips and falls, mold and air quality and other problems relating to buildings and sites both public and private. His work is conducted under a sister company Mossien Consulting, Inc.

**Education:**

Master of Architecture 1978- University of New Mexico (Recipient of the AIA School Medal)

Bachelor of Arts 1975- University of New Mexico

Registered Architect: NY, PA, VA, FL, TX all other states available in two weeks

NCARB Certified (National Council of Architectural Registration Boards)

NYS Certification – Asbestos Design, Project Management, Inspector - Tufts University

USEPA Certification – Lead Project Designer - USEPA

Golf Club Design and Site Planning – Graduate School of Design, Harvard University

**Professional Development, Awards and Civic Involvement**

- Rochester Chapter Construction Specifications Institute Outstanding Project Award (triplicate)
- American Institute of Architects Henry Adams Fund AIA School Medal
- American School and University published six times
- Builders Exchange Craftsmanship Award (twice)
- American Institute of Architects First Design Award (twice)
- Build New York Award from GBC, General Builders and Contractors
- Historic Building Preservation Award
- Barber Conable Award – Landmark Society of Western NY's highest award
- Recipient JC Penney Golden Rule Award
- Past Member, Board of Directors, Seniors First
- Past Member, Board of Directors, Kirkhaven Nursing Home

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- NCARB Certified (National Council of Architectural Registration Boards)
- Member, Board of Governors Rochester Builders Exchange, 1996 to present
- Member, Board of Directors, Epilepsy Foundation, 2002 to 2011 (Chair 2010)
- Member Rochester Chapter American Institute of Architects
  - President 1996, 1987
  - New York State Delegate 1988 to 1989 and 1997 to 1998
- Director, Bishop Sheen Ecumenical Housing
  - President 1997 to 1999, 2000 to 2002
- Member, Town of Pittsford Planning Board 1990 - 2002
  - Vice-Chairperson 2000 to 2002
- Member, Town of Pittsford Architectural Review Board 1990 to 2002
- Member, Board of Directors, Rochester Chapter Construction Specifications Institute 1990 to present
- Winner of NAIOP Design Award (National Association of Industrial and Office Parks)
- Member ESGR: Employer Support of the Guard and Reserve 2009 to present
- Career Internship Program – several schools and colleges
- Sponsorship for young athletes' sports teams 2008 to present
- 2018 recipient of the Lifetime Achievement Award from the Rochester Builders Exchange

Mr. Mossien has provided services to the legal community for over thirty years and is proud that this work is only a small portion of his continued successful leadership of a well-respected architectural firm.

**MOSSIEN ASSOCIATES ARCHITECTS, P.C.**



Daniel E. Mossien, RA, NCARB  
President and CEO

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